

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DANIEL S. GREEN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-549-SLR
)	
RADCLIFFE CHARLES, et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, plaintiff, Daniel S. Green, was a prisoner incarcerated at the Delaware Correctional Center at the time he filed his complaint under 42 U.S.C. § 1983, along with an application to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915;

WHEREAS, on September 19, 2005, this court entered an order granting leave to proceed in forma pauperis, and requiring plaintiff to pay the \$250.00 filing fee as determined by statute (D.I. 3);

WHEREAS, on March 24, 2008, the court was notified that plaintiff is no longer incarcerated (D.I. 46);

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx. 429 (3d Cir. 2003).

THEREFORE, at Wilmington this 19th day of May, 2008, IT IS HEREBY ORDERED that within thirty days from the date of this order, plaintiff shall either pay the filing fee owed (\$250.00) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so the court may determine whether he is still eligible to proceed in forma pauperis.

NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.


UNITED STATES DISTRICT JUDGE